

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the letter which accompanied both shipments of the article and in the leaflet accompanying the first-mentioned shipment were false and misleading since they represented, suggested, and created in the mind of the reader the impression that the article would be efficacious in the treatment of piles, eczema, boils, burns, diseases and disorders of the prostate gland, carbuncles, old sores, cuts, blood poison, infection, fistula, tired and frosted feet, bruises, erysipelas, sprains, scurvy, and itch; that it would restore and maintain good health; that it would be efficacious in the treatment of common ailments and puncture wounds of the foot; that it would correct frequency of urination; and that its use would keep one out of hospitals, would keep one from having expensive operations, and would give one better health. The article would not be efficacious for the purposes represented and suggested.

**DISPOSITION:** April 28, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of \$100, plus costs.

**2174. Misbranding of Tarbonis. U. S. v. 48 Jars and 45 Jars \* \* \* and a number of circulars and booklets. (F. D. C. No. 20805. Sample No. 1660-H.)**

**LIBEL FILED:** September 16, 1946, Middle District of North Carolina.

**ALLEGED SHIPMENT:** From Cleveland, Ohio, by the Tarbonis Company. The product and a number of the circulars and booklets were shipped on or about September 19, 1945, and the remainder of the circulars were shipped on or about March 1, 1946.

**PRODUCT:** 48 2¼-ounce jars and 45 1-pound jars of *Tarbonis* at Lexington, N. C., together with 200 circulars entitled "Right Out of This World," 500 circulars entitled "The Pioneer That Made Tar Acceptable," 12 circulars entitled "In Stubborn Skin Conditions," and 7 booklets entitled "Tarbonis." Analysis showed that the product consisted essentially of coal tar, menthol and oil of lemon in a greaseless ointment base.

**LABEL, IN PART:** "Tarbonis Liquor Carbonis Detergens (Special Process) 5% Lanolin and Menthol Incorporated in a Greaseless Cream."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements and the designs of various skin diseases, appearing on the label of the article and in the circulars and booklets, were false and misleading since they represented and suggested that the article would be effective in the prevention and treatment of occupational dermatitis, eczema, infantile eczema, seborrheic dermatitis, tinea corporis, intertrigo, indolent ulcers, industrial dermatoses, ulcer, cruris, psoriasis, infectious eczematoid dermatitis, ringworm, folliculitis, pityriasis, varicose ulcers, tinea cruris, lichen simplex chronicus, trichophytosis corporis, leg ulcers, and a host of other cutaneous disorders; that it would be effective against a wide array of occupational irritants; that it would act as a preventive when systematically used as a prophylactic; that it would correct stagnation of the blood serum in the tissues and trophic ulcer formation; that it would cause decongestion and improvement of the lymph space circulation; that it would interrupt the vicious circle of stagnation and increase local edema; and that it would restore adequate nutrition to the affected area and initiate healing. The article would not be effective for the purposes so represented and suggested.

**DISPOSITION:** July 8, 1947. The Tarbonis Company, claimant, having failed to file an answer in the matter, judgment of condemnation was entered and the product was ordered destroyed.

**2175. Misbranding of Nanette Hormone Cream. U. S. v. 49 Jars \* \* \*. (F. D. C. No. 22597. Sample No. 50260-H.)**

**LIBEL FILED:** March 4, 1947, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about April 30 and October 2, 1946, by the Nix Cosmetics Company, from Memphis, Tenn.

**PRODUCT:** 39 2-ounce jars and 10 6-ounce jars of *Nanette Hormone Cream* at Birmingham, Ala. Examination showed that the product was an ointment containing 4.9 milligrams of diethylstilbestrol per 2 ounces.

**LABEL, IN PART:** "Nanette Hormone Cream."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the name "Hormone Cream" and the labeled statement "Each 2 ozs. contains 5 mgs. stilbestrol (synthetic

estrogenic substance)" were false and misleading since they represented, suggested, and created the impression that the article contained a hormone and that it would exert a beneficial hormone-like or beneficial estrogenic effect upon the body when used according to the directions "Apply gently  $\frac{1}{2}$  heaping teaspoonful at bedtime. Leave on overnight." The article did not contain a hormone and would not produce a beneficial hormone-like or beneficial estrogenic effect when used as directed.

**DISPOSITION:** April 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2176. Misbranding of Theradophilus Culture. U. S. v. 14 Cases and 6 Bottles \* \* \*. (F. D. C. No. 20555. Sample No. 59441-H.)**

**LIBEL FILED:** July 24, 1946, Western District of Washington.

**ALLEGED SHIPMENT:** On or about February 14 and 19 and April 23 and 27, 1946, by Therapy, Limited, from Pasadena, Calif.

**PRODUCT:** 14 cases, each containing 24 bottles, and 6 bottles of *Theradophilus Culture* and a number of booklets entitled "Therapy Supplementary Foods" at Seattle, Wash. Examination showed that the article contained not more than 1 million viable acidophilus organisms per cubic centimeter.

**LABEL, IN PART:** "Theradophilus A Culture of Bacillus Acidophilus in Soya Bean Medium Contents 8 Fl. Oz. \* \* \* Directions: Take one tablespoonful in half a glass of water at least half an hour before breakfast and again at bedtime. For infants: One teaspoonful in milk, once a day."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the directions on the bottle label were false and misleading since they represented and suggested that the article when taken as directed would supply a significant amount of acidophilus organisms, whereas it would not supply a significant amount of such organisms when taken as directed; and, further, certain statements in the booklet accompanying the article were false and misleading. These statements represented and suggested that the article would be effective for controlling conditions in the intestines, be conducive to longevity, and be effective to accomplish great improvement in health, whereas it would not be effective for such purposes.

**DISPOSITION:** September 18, 1946. Default decree of condemnation and destruction.

**2177. Misbranding of Acidofilac. U. S. v. 81 Bottles \* \* \* and a number of circulars. (F. D. C. No. 21679. Sample No. 59465-H.)**

**LIBEL FILED:** November 26, 1946, Western District of Washington.

**ALLEGED SHIPMENT:** On or about October 1, 1946, by the Radiance Products Company, from Los Angeles, Calif.

**PRODUCT:** 81 pint bottles of *Acidofilac* and a number of circulars entitled "Fight The Invisible Foe in Your Intestine" at Seattle, Wash. Examination showed that the product contained two strains of viable lactobacilli.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements appearing in the labeling of the article were false and misleading since they represented and suggested that the use of *Acidofilac* would be effective to control and overcome unfriendly bacteria, kill the putrefactive bacteria in the intestines and prolong life, and affect the general health. The use of *Acidofilac* would not be effective for such purposes.

**DISPOSITION:** February 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

**2178. Misbranding of Prostall. U. S. v. 22 Bottles \* \* \*. (F. D. C. No. 22616. Sample No. 63119-H.)**

**LIBEL FILED:** March 11, 1947, Northern District of California.

**ALLEGED SHIPMENT:** On or about February 3, 1947, by Douglas Laboratories, from Boston, Mass.

**PRODUCT:** 22 100-capsule bottles of *Prostall* at San Francisco, Calif.. Analysis showed that the product consisted essentially of glutamic acid.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statements "Prostall 'stalls off pain,' relieves the symptoms of prostate hypertrophy (pros-